

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

GREGORY LYNN WALLACE,

Plaintiff,

vs.

CIA/BIA CORRECTIONS, U.S. B.O.P.  
WARDENS, PA MCGREEDY, PA  
KOHUT, and CCCS, INC.,

Defendant.

CV-14-00074-H-DLC-JTJ

FINDINGS AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE  
JUDGE TO DENY MOTION TO PROCEED  
IN FORMA PAUPERIS

This matter comes before the Court on Plaintiff Gregory Wallace's Motion to Proceed in Forma Pauperis. (Doc. 1.)

The federal statute governing proceedings in forma pauperis requires:

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a)(2).

Mr. Wallace submitted a Motion to Proceed in forma pauperis and a proposed Complaint on December 3, 2015. (Docs. 1, 2.) The Clerk of Court's Office sent Mr. Wallace a letter on December 10, 2014, advising him that he

should file an official copy of his inmate trust account for the previous six months. He did not respond. The Court, therefore, issued an Order on December 30, 2014, requiring Mr. Wallace to submit a certified copy of his prison trust account statement for the six-month period immediately preceding the submission of his Complaint on or before January 30, 2015. (Doc. 4.) In this Order, the Court advised Mr. Wallace “[A] failure to comply with this Order will result in a recommendation that the motion to proceed in forma pauperis be denied and this matter dismissed.” *Id.*

Mr. Wallace did not respond to the Order. Accordingly, the Motion to Proceed in Forma Pauperis should be denied.

Also, given Mr. Wallace’s failure to respond to the Court’s Orders and his extensive litigation history in this Court, Mr. Wallace should not be given additional time to pay the filing fee. Rather, this matter should be dismissed.

Mr. Wallace is not entitled to a ten-day period to object. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam).

Based upon the foregoing, the Court issues the following:

### **RECOMMENDATIONS**

Mr. Wallace’s Motion to Proceed in Forma Pauperis (Doc. 1) should be **DENIED** and this matter **DISMISSED**. The Clerk of Court should be directed to

close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 10 day of February, 2015.

/s/ John Johnston  
John Johnston  
United States Magistrate Judge